

Appl. No. 09/715,586
Atty. Docket No. 5922R2CL
Amdt. Dated September 30, 2005
Reply to Office Action dated June 30, 2005
Customer No. 27752

REMARKS

Claims 1, 9-12, 14-18, 41, 47-52, 54-58, 66, 81, 95, 97-103, and 105-108 remain pending in the instant Application and are presented for the Examiner's review in light of the following comments.

Rejection Under 35 U.S.C. §103

Claims 1, 9-11, 14-18-11, 14-18, 41-51, 54-58, 66, 81, 95-99, and 101-107 have been rejected under 35 U.S.C. §103(a) over Wilbur, U.S. Patent No. 2,338,749 in view of Reed, et al., U.S. Patent No. 4,054,697, and further in view of the admitted prior art. Previous arguments made with respect to the *Wilbur* and *Reed* references remain in effect but will not be repeated for the sake of brevity. Applicants respectfully traverse this rejection and request reconsideration and withdrawal of the Examiner's 35 U.S.C. §103(a) rejection based upon the following additional comments:

The Office Action rejects the above enumerated claims on the basis that Applicants' claims include a method step. Applicants respectfully submit that the limitation that the active side of the material be activatable by the application of a tensile force is not a method step but a required property of the material. Just as the material must comprise a first side that in turn comprises an active side exhibiting an adhesion peel force after activation by a user that is greater than an adhesion peel force exhibited prior to activation by a user. The claim does not require activation of the material. The clause of the claim provides for the limiting characteristics of the material upon the application of a tensile force.

The cited references do not provide that the material described is activatable by the application of a tensile force to the material. The Office Action notes that the coating of particle described in the Reed reference have the ability to deform under a load. Applicants submit that a tensile force applied to the sheet of Reed – and therefore acting in a direction normal to the attachment of the coating of particles to the sheet would not subject the particles to a load. The Wilbur reference also fails to teach or suggest that the application of a tensile force to the material of Wilbur will yield activation of the adhesive. Wilbur requires the application of a compressive force, as does Reed, to achieve activation. The references teach the application of a compressive force not a tensile force for activation. Therefore the references do not support a rejection of Applicants' claims under 35 USC §103(a), since the combination of references fails to teach or suggest all of the claimed limitations.

Claims 12, 52, 100, and 108 depend from independent claims that are not properly rejected under 35 USC §103(a), as provided above, and are therefore also improperly rejected under 35 USC §103(a) since the addition of the Kovac reference does not cure the deficiencies of the Wilbur / Reed combination as to the underlying claims.

Appl. No. 09/715,586
Atty. Docket No. 5922R2CL
Amdt. Dated September 30, 2005
Reply to Office Action dated June 30, 2005
Customer No. 27752

Applicants submit that the cited combinations do not teach or suggest each of the limitations of the invention as claimed. The combinations do not support a rejection under 35 USC §103(a). The rejection should be reconsidered and withdrawn.

Conclusion

Based on all the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,
PETER W. HAMILTON, ET AL.



By: David K. Mattheis
Attorney for Applicants
Registration No. 47,792
(513) 634-9359

September 30, 2005
Customer No. 27752